



PATENT
Attorney Docket No. 101.0078-00000
Customer No. 228C2
Express Mail Label No. ER52177857GUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Gary K. Michelson, M.D.)
Serial No.: 09/593,591)
Filed: June 13, 2000)
For: MANUFACTURED MAJOR LONG)
BONE RING IMPLANT SHAPED)
TO CONFORM TO A PREPARED)
INTERVERTEBRAL)
IMPLANTATION SPACE)

Confirmation No.: 5619
Group Art Unit: 3738
Examiner: P. Prebilic

J.J.
J-17-04
J.J.DS

RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FEB 05 2004

TECHNOLOGY CENTER R3700

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b), but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), a fee of \$180.00 as specified by Section 1.17(p) is to be charged to Deposit Account No. 50-1066.

A copy of the listed documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Applicant brings to the Examiner's attention the following U.S. co-pending application of Applicant; the claims and drawings of which are attached hereto:

NOT FOR PUBLICATION			
Examiner Initial	Application Number	Filing/Issue Date	Publication/ Patent No.
	10/112,746	02APR02	2003/0120344

02/04/2004 MBIZUNES 00000066 501066 09593591

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Applicant respectfully requests that the Examiner consider the document listed above, indicate that it was considered by making appropriate notations in the appropriate column, and return a copy of this sheet to the Applicant.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: January 28, 2004

By: 
Thomas H. Martin
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Substitute for FORM PTO-1449		Attorney Docket Number 101.0078-00000	Customer Number 22882			
O I P S INFORMATION DISCLOSURE CITATION IN AN APPLICATION		Applicant Gary K. Michelson, M.D.	Application Number 09/593,591			
JAN 29 2004 use several sheets if necessary) Sheet <u>1</u> of <u>1</u>		Filing Date June 13, 2000	Group Art Unit 3738			
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,846,484	12/1998	Scarborough et al.			
	6,423,095	07/2002	Van Hoeck et al.			
	6,471,724	10/2002	Zdeblick et al.			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
EXAMINER	DATE CONSIDERED					
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						